

Office of the Inspector General of the Department of Defense

Report No. IPO2003E001
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March 28, 2003

Evaluation of the Policies and Practices of the Defense Organizations Employing Criminal Investigators With Respect to Control Over Firearms

Executive Summary

Who Should Read This Report and Why? Directors and Commanders of DoD and military organizations who employ criminal investigators, and congressional members and others interested in Federal law enforcement matters should read this report. It explains how some DoD Components need to improve their firearms accountability and loss reporting policies and practices.

Background. In response to a congressional request, the General Accounting Office (GAO) announced a study of Executive Branch civilian law enforcement agency controls over firearms and other weapons. To identify possible best practices that may not exist within traditional law enforcement, the General Accounting Office sought our support. In response, we conducted this evaluation of six criminal investigative agencies representing the Army, Navy, Air Force, Office of the Inspector General of the Department of Defense, Defense Logistics Agency, and the Pentagon Force Protection Agency.

Results. We accounted for all of the firearms in our random sample inventories conducted at 160 locations. Of 5,758 firearms used for law enforcement within the six evaluated organizations, only 12 firearms were reported lost or stolen during the review period of FY 1999 through FY 2001, and 9 of those were recovered. Of the 7 investigations concerning the 12 firearms, 5 were thorough and well documented. The remaining investigations contained discrepancies, which are addressed in section C of the report. The criminal investigators in each organization have proper authorization to carry firearms. We noted two discrepancies; one concerned the practice of taking Government firearms home, and the other concerned the authorization for carrying personal firearms. Instances existed where firearms accountability records were not up to date, and some organizations did not have procedures that would ensure only authorized firearms were procured. Additionally, most organizations did not have a recurring awareness program for personnel responsible for firearms accountability. While most of the organizations are not in compliance with DoD-required monthly and quarterly inventories, they all conduct serial number inventories at least annually. (See the report for detailed recommendations.)

Management Comments and Evaluation Response. The Navy concurred with two of the recommendations, partially concurred with one of the recommendations, and non-concurred with one of the recommendations. We agree with the Navy's partial concurrence, if the upcoming revision to the directive concerning carrying of personal firearms by criminal investigators while on duty provides an exemption to the requirement for a one-year termination date for such authorizations. We do not agree

with the Navy that establishing a policy concerning leaving firearms unattended in a vehicle would unduly hinder flexibility of the criminal investigator in some situations. We did not recommend that a policy be established prohibiting such a practice, as indicated in comments provided by the Director, Naval Criminal Investigative Service. We asked only that a command-wide policy addressing the practice be established. We request that the Navy provide comments on the final report by April 30, 2003.

The Director, Administration and Management, Office of the Secretary of Defense generally concurred with the recommendations. Although the Director concurred with the recommendation that a recurring awareness program concerning the accountability of arms, ammunition, and explosives be established, he indicated that only applicable personnel would be trained by March 31, 2003. No indication that a recurring awareness program was established that ensures personnel remain aware of the requirements exists. The Director did not concur that the Pentagon Force Protection Agency was in violation of DoD policy by permitting criminal investigators to take their Government firearms home with them at the end of their shifts, asserting that our recommendation was based on an improper and incomplete reading of the DoD Directive. We maintain that the current Pentagon Force Protection Agency weapons take home practice is inconsistent with the United States Code, is contrary to DoD policy, adversely effects its ability to protect Government-issued weapons, and imposes substantial (but not specifically quantifiable) liability risks for its employees, as well as DoD. We request that the Director, Administration and Management provide comments on the final report by April 30, 2003.

The Director, Defense Logistics Agency generally concurred with the recommendations; however, no estimated completion dates were provided. The Director did not concur that additional written policy for reporting required firearms information to their Component Registry for inclusion in the DoD Registry was required. We do not agree that existing policy adequately addresses the criminal investigators assigned to headquarters. We request that the Director, Defense Logistics Agency, provide comments on the final report by April 30, 2003.

The Defense Criminal Investigative Service, the Army, the Air Force, and the Inspector General of the Department of Defense concurred with all of the recommendations; however, the Defense Criminal Investigative Service and the Air Force did not provide estimated completion dates. We request that the Defense Criminal Investigative Service and the Air Force provide comments on the final report by April 30, 2003. See sections A, B, and C of the report for a discussion of management comments and the Management Comments section of the report for the complete text of the comments.